IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v. : Case No. 3:10-cr-7-KRG-KAP

BERT WILLIAM JOHNSON, :(Case No. 3:13-cv-111-KRG-KAP)

Movant :

Memorandum Order

The motion to vacate at docket no. 232 was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C.§ 636, and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on February 9, 2015, docket no. 254, recommending that the motion be denied.

The parties were notified that pursuant to 28 U.S.C.§ 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Movant, after a motion for extension of time docket, no. 255, filed timely objections at docket no. 256, but they are without merit. The motion for extension of time is denied as moot.

After <u>de novo</u> review of the record, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 12th day of March, 2015, it is

ORDERED that the movant's motion to vacate at docket no. 232 is denied. The Report and Recommendation is adopted as the opinion of the Court. No certificate of appealability is issued. The Clerk shall mark this matter closed.

BY THE COURT:

KIM R. GIBSON,

UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Bert William Johnson, Reg No. 31503-068 F.C.I. Hazelton P.O. Box 5000 Bruceton Mills, WV 26525